

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VINCENT P. MONA,)	
)	
Plaintiff,)	C.A. No. 8:21-cv-01017-PJM
)	
v.)	
)	
DAVID F. MCKAY,)	
)	
Defendant.)	

[PROPOSED] ORDER

WHEREAS, the Court issued an Order on February 23, 2022 (the “February 23 Order”);

WHEREAS, Plaintiff filed his Revised Requests for Documents from Third Parties (the “Revised Requests”) on March 8, 2022 pursuant to the February 23 Order;

WHEREAS, DHG¹ and DHGCF filed a Response to the Revised Requests on March 22, 2022;

WHEREAS, MEG filed a Response to the Revised Requests on March 23, 2022;

WHEREAS, Plaintiff filed his Reply in further support of the Revised Requests on April 1, 2022;

WHEREAS, on consideration of these submissions, the Court orders as follows:

1. MEG shall produce all documents responsive to the Revised Requests pursuant to the protocols agreed to by Plaintiff and MEG by no later than April 29, 2022;
2. MEG shall identify, within 30 days after it completes its production in response to the Revised Requests, all documents that are responsive to the Revised Requests and that have been withheld or redacted for privilege on a legally sufficient log that allows Plaintiff and the Court to evaluate MEG’s assertions of privilege on a document-by-document basis;

¹ All capitalized terms not defined herein have the meanings given in the Revised Requests.

3. Except as provided in paragraph 4 below, decision on Plaintiff's Motion to Compel as to MEG is deferred, pending MEG's compliance with paragraphs 1 and 2 above;
4. Plaintiff's request for costs and attorney's fees associated with filing and prosecuting the Motion to Compel as to MEG is GRANTED;
5. Plaintiff, MEG, DHG, and DHGCF shall meet and confer regarding custodians, search terms, date ranges, and a limited waiver by MEG of the accountant-client privilege for DHG's and DHGCF's productions of documents in response to the Revised Requests directed to DHG and DHGCF;
6. Any limited waiver of MEG's accountant-client privilege will be categorical as to all documents that fall within the scope of the Revised Requests directed to DHG and DHGCF;
7. If no agreement on custodians, search terms, date ranges, or a limited privilege waiver has been reached by April 15, 2022, Plaintiff shall promptly notify the Court;
8. DHG and DHGCF shall produce all documents responsive to the Revised Requests pursuant to the protocols that are stipulated or ordered by the Court by no later than April 29, 2022;
9. If Plaintiff, MEG, DHG, and DHGCF do not reach agreement on a limited waiver of MEG's assertion of the accountant-client privilege by April 15, 2022, MEG, DHG, and/or DHGCF shall identify, within 30 days after DHG and DHGCF complete their production in response to the Revised Requests, all documents that are responsive to the Revised Requests and that have been withheld or redacted for privilege on a legally sufficient log that allows Plaintiff and the Court to evaluate the assertions of privilege on a document-by-document basis;
10. Except as provided in paragraph 11 below, decision on Plaintiff's Motion to Compel as to DHG and DHGCF is deferred, pending MEG's, DHG's, and DHGCF's compliance with paragraphs 5-9 above;
11. Plaintiff's request for costs and attorney's fees associated with filing and prosecuting the Motion to Compel as to DHG and DHGCF is GRANTED.

IT IS SO ORDERED, this ____ day of _____, 2022.

United States District Judge
Peter J. Messitte